

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, April 10, 2008
Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Jones called the City Council Regular Meeting to order at 7:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Craig A.T. Jones, Vice Mayor Jean Mordo, Councilmember Breene Kerr, Councilmember Mike O'Malley and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Carl Cahill, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, City Attorney Steve Mattas, and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit comments from the floor to two minutes.

APPOINTMENTS AND PRESENTATIONS

1. Presentation of Certificates of Appreciation

Mayor Jones presented a Certificate of Appreciation to Nancy Couperus, Westwind 4-H Riding for the Handicapped representative, for the organization's generous grant of funds for the electrical safety improvement project at Westwind Community Barn.

Mayor Jones announced that the Supporters of Westwind Community Barn were also being recognized with a Certificate of Appreciation for their grant to the Los Altos Hills Parks and Recreation Department to purchase equipment in support of program development for the Year-Round Riding Program that is held at Westwind Community Barn.

2. Appointment to Standing Committee and Consideration of Appointment of Standing Historical Committee Council Liaison

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to appoint resident Bob Stutz to the Standing Historical Committee for a term of four years and to appoint Vice Mayor Mordo to serve as the Committee's Council Liaison.

3. Consideration of Delegate Appointment to ABAG's Spring General Assembly and Annual Business Meeting

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to appoint City Manager Carl Cahill as the Town's representative and voting delegate to the ABAG Spring General Assembly.

CONSENT CALENDAR

MOTIONED SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the items on the consent calendar; specifically:

4. Approval of Meeting Minutes: Regular City Council Meeting March 13, 2008
Regular City Council Meeting March 27, 2008
5. Review of Disbursements – March 2008 - \$286,311.37
6. Acceptance of Right-Of-Way; Lands of Los Altos Homes, LLC., 26462 Purissima Resolution No. 22-08
7. Acceptance of Grant of Pathway Easement; Lands of Von Haunalter, 13781 Ciceroni Lane – Resolution No. 23-08
8. Notification of Fast Track Approval: Lands of Patou; 26353 Esperanza Drive (File #273-07-ZP-SD) A Request for a Site Development Permit for a 1,274 square foot addition and interior remodel (maximum height: 25') CEQA Review: Categorical Exemption per Section 15303(a)
9. Notification of Fast Track Approval: Lands of Heit; 27753 Sherlock Road (File #164-07-ZP-SD-GD) A Request for a Site Development Permit for a new 4,266 square foot residence with a basement and pool (maximum height: 26'6"). CEQA Review-Categorical Exemption 15303(a)
10. Notification of Fast Track: Lands of Robertson; 13131 Delson Court (File #258-07-ZP-SD-GD) A request for a Site Development Permit for a new 5,982 square foot two-story residence and 512 square foot swimming pool (maximum height: 27') CEQA Review: Categorical Exemption per Section 15303 (a)(e)

PRESENTATIONS FROM THE FLOOR

Nancy Couperus, Los Altos Hills resident, provided an overview of the very successful informational meeting "Bringing Back the Birds" sponsored by the Open Space Committee and Hidden Villa and hosted at Town Hall. The session focused on the importance of maintaining riparian areas and their value to the local environment and wildlife. Couperus distributed meeting packets to the Council members that included a brochure prepared by the Open Space Committee titled "Creeks of Los Altos Hills."

Couperus extended an invitation to the Council and members of the audience to the April 20th Earth Day celebration at Westwind Barn to be held on April 20, 2008.

UNFINISHED BUSINESS

TOWN GOALS (11A-11F)

11A. Significantly Enhance Resident Access to Recreational Facilities

- Repair and Restore Westwind Barn to sustain long term viability

Councilmember Kerr reported that the wine tasting event held at Westwind Barn had been very successful with approximately 300 guests in attendance. All wines being poured and sampled were produced from grapes locally grown by Los Altos Hills residents. Kerr noted that the goal of the event had been community outreach and the development of a potential donor database for the Westwind Barn project.

- Enhance the Town Little League Fields

11A (1) Little League Fields Project Timeline

City Engineer Richard Chiu reviewed the tentative timeline schedule for the Little League Project. He expected 50% of the document package to be completed and submitted by the consultants by April 15th with 95% of the construction documents to be completed by the end of April. The document bid package would be ready for bid mid-May with the bid opening expected in mid-June. The expectation was for construction to begin July 19, 2008.

11B. Return Public Elementary School Education to Los Altos Hills

Council had before them a request from Los Altos Superintendent Tim Justus to appoint two members to a committee that would be reviewing and recommending names for the Bullis-Purissima Elementary School. Mayor Jones questioned the appropriate procedure that would be consistent with the Brown Act for considering the request. City Attorney Mattas advised that under the current education agenda title, it was appropriate for the Council to consider the appointment of representatives to serve on the committee. However, if the Council wished to expand their discussion to consider the merits of the committee or their assignment, it would require the addition of an urgency item.

MOTION SECONDED AND FAILED: Moved by Kerr, seconded by O'Malley with the following roll call vote to add to the meeting agenda as an urgency item the discussion of the naming/renaming of the Bullis-Purissima Elementary School. It was clarified that the first meeting of the Los Altos School District committee was proposed for the week of April 21st and the next regularly scheduled City Council meeting was scheduled May 8th. The expectation was that the committee would make significant progress on the subject prior to the next Council meeting.

AYES: Kerr, O'Malley, Warshawsky

NOES: Jones, Mordo
ABSTAIN: None

MOTION FAILED: Motion failed due to the lack of a two-thirds majority vote.

Council discussion of potential candidates to serve on the committee as Town representatives ensued. Mayor Jones advised Council that Education Committee Chair Bart Carey had volunteered. Councilmember O'Malley noted that it was important given that Carey was not opposed to renaming the school; to appoint someone as the second representative that would have a differing view point. Vice Mayor Mordo recommended that the appointees should not have a predilection on the issue.

OPENED PUBLIC COMMENT

(Public was advised to limit their commitments to the appointment of representatives)

Duncan MacMillan, Los Altos Hills resident, advised Council that two current Los Altos School District Board members had volunteered to serve on the committee and suggested that two Councilmembers be appointed as the Town's representatives. MacMillan suggested that anyone (citizens) that had commented on the subject prior to the meeting not be considered because of their expressed bias. He reiterated the importance of returning public education to Los Altos Hills and the importance of the re-opening the campus.

Cathi Lerch, Los Altos Hills resident, commented that she had emailed Superintendent Justus requesting appointment to the committee. She noted that she had an open mind regarding the naming options of the school. Her children had attended Bullis and she had been on the staff at the school. Lerch volunteered to serve on the committee as a Council appointee.

Vice Mayor Mordo stated that he preferred the appointment be a non-councilmember given the history of conflict with the school district and he did not wish to politicize the issue. He suggested Council consideration to appoint two residents who were open-minded on the subject.

Jill Jensen, Los Altos Hills resident, commented that the issue before Council of retaining the name of Bullis-Purissima for the elementary school was very important and centered on tradition.

CLOSED PUBLIC COMMENT

Mayor Jones summarized the discussion. Two names were currently before Council, Planning Commissioner Bart Carey and resident Cathi Lerch.

MOTION MADE AND WITHDRAWN: Motion made by Councilmember Kerr to reconsider the previous motion to add the urgency item to the agenda. Motion withdrawn by Kerr.

MOTION MADE AND CARRIED: Moved by Jones, seconded by Kerr and passed by the following roll call vote to add to the agenda as an urgency item given the scheduling of the Los Altos School District's committee chartered with making recommendations on the name of the Bullis school prior to the next Council meeting, consideration of the following: appointment of two representatives to serve on the committee and the direction of Council on the renaming of the school.

AYES: Mayor Jones, Vice Mayor Mordo, Councilmember Kerr, Councilmember O'Malley and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

Council discussion on the naming of Bullis-Purissima elementary school:

Councilmember O'Malley believed it was important to continue the recognition of Gardner Bullis in the school's name. O'Malley expressed his concern that a name change might set a bad precedent with the possibility of future Councils or groups changing the name of the Town landmarks. O'Malley noted that he was not sure what the Town's options were given the Bullis Charter School's registration of Bullis-Purissima elementary school.

Councilmember Warshawsky suggested that there was value in preserving the name of the school for historical purposes but he believed it was important to engage the residents in the discussion and wanted to hear their preferences. He suggested a public hearing might be an appropriate format for the issue prior to Council taking a position. Warshawsky noted at this stage of the discussion he would be willing to appoint representatives to the committee and to keep an open mind on the issue.

Councilmember Kerr stated that to date he had not formed an opinion on the issue and was open to discussion.

Mayor Jones clarified the registration by the Bullis Charter School of the name Bullis-Purissima Elementary School. At the time of the closure of the Los Altos School District's Bullis-Purissima campus, the name was registered by the founders of the Charter school with a DBA of Bullis Charter School. Jones believed that the District could continue operating their elementary school with the name Bullis-Purissima as in the past but one of the justifications for the name change was the confusion of two elementary schools with the same name.

Vice Mayor Mordo supported retaining the Bullis-Purissima name given the historical significance. If this option was not available, he favored Gardner Bullis. Mordo clarified his reason for supporting citizen appointments to serve on the committee and noted that the District might react unfavorably to a strong opinion by Council.

Mayor Jones offered that the Town was not the decision maker on the issue, the school district was and suggested that it was critical to keep the major focus on re-opening of a public school in Town noting that it had taken six years for this to come to fruition. He

understood that the name of the school was important but believed that the quality of the education was the key issue.

OPENED PUBLIC COMMENT

Duffy Price, Los Altos Hills resident, explained that Gardner Bullis was the Town's first City Attorney and offered that retaining the name was important and a change to a street name could potentially erode community support. She hoped the Council could reach a consensus to support retaining the name.

Duncan MacMillan, Los Altos Hills resident, reported that he had attended the Los Altos School District's Board meeting where the subject of the committee had been broached and he believed they were looking for at least one council representative to serve on the committee. MacMillan clarified that Mr. Bullis had played a key role in the incorporation of Los Altos and Los Altos Hills and had served as the unpaid attorney for the Town for approximately seven years. The name has been continuously used by the District since the closure of the school in reference to the site. MacMillan did not believe it was appropriate to change the name but believed Gardner Bullis Elementary School would be an acceptable compromise.

Cathi Lerch, Los Altos Hills resident, suggested that the name change could be a polarizing factor between the Town and District. She spoke to the value of the Bullis-Purissima name and its importance for fundraising and historical continuity. She could support Gardner Bullis as an alternative but did not wish to see the school renamed after a street.

Jill Jensen, Los Altos Hills resident, spoke to an article in the Town Crier that had questioned "people on the street" about a possible name change for the school. Five out of six responses (Los Altos residents) had supported retaining the name. Jensen noted that changing the name would be costly for the District and might have an affect on other District priorities.

CLOSED PUBLIC COMMENT

MOTION MADE AND FAILED: Moved by Kerr that the Council recommend: 1) the name not be changed; and 2) if the District moves forward with changing the name, Gardner Bullis would be a suitable alteration. (Motion failed due to the lack of a second)

Vice Mayor Mordo offered that for the Council to participate in the committee, it was important that they enter into the discussion in good faith without a predetermined position.

Councilmember O'Malley commented that he believed it was important to keep the discussion nonpolitical and did not support the appointment of a Councilmember to serve on the Committee.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed by the following voice vote to nominate Bart Carey and Cathi Lerch to serve on the LASD committee with the direction that the Council's preference was to retain the Bullis-Purissima as the name for the school and if a change were to be considered, Gardner Bullis was an acceptable alternative.

AYES: Mayor Jones, Councilmember Kerr, Councilmember O'Malley and Councilmember Warshawsky
NOES: Vice Mayor Mordo
ABSENT: None
ABSTAIN: None

MOTION DISCUSSION: Vice Mayor Mordo suggested that he believed that if the Council gave direction on a Council position to the representatives, they should appoint two members who supported that position. O'Malley believed it was important to keep a balance in the representation.

Councilmember Warshawsky requested agendaizing for additional discussion the naming of the Bullis-Purissima Elementary School at the first meeting in May.

Consideration of Informational Mailing to Los Altos Hills PAUSD Parents Regarding Inter-District Transfers (Agenda Item #15)

Council had before them a draft of a letter to Los Altos Hills residents residing in the Palo Alto Unified School District regarding the availability of spaces at the Bullis-Purissima Elementary School for the next school year and beyond.

Following a brief discussion, Council determined it was appropriate to mail the informational letter to residents under the Mayor's signature.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to authorize the informational mailing.

Duncan MacMillan, Los Altos Hills resident made a citizen's request for a status report, prior to the conclusion of the school year, from the Standing Education Committee on education issues as outlined in their charter. Mayor Jones responded that he would forward the request to the Committee.

11C. Develop a Plan for Expanded Sewer Access to More Residents

Councilmember O'Malley reported that given the direction of the Council at the conclusion of their presentation at the last Council meeting, the Ad Hoc Committee had reconvened to review two proposed specific projects (a sewer main up Moody Road from Tanglewood to Moody Court and a sewer on Robleda Road from Purissima Road to Fremont Road). The Committee planned to develop a more detailed proposal for both projects that would include proposed sewer connection costs and financing options. They would be seeking input from residents affected by the proposals regarding their support for the projects.

11D. Maintain and Build Off and On Road Pathways Already Approved on the Pathways Master Plan

City Engineer Richard Chiu reported that the Old Altos On-Road Pathway would be included in the Fremont Road Rehabilitation project and was currently in design and was being reviewed by Cal Trans.

Additionally, proposals had been submitted by firms specializing in pathway projects for the Taaffe Off-Road Path, the second Council approved pathway construction project.

11E. Complete the Redrafting and Approval of the Town General Plan

Planning Director Debbie Pedro reported that the Planning Commission at their last meeting had reviewed and made their recommendations to Council on the final two Elements of the General Plan to be updated; the Land Use Element and Pathways Element. The Elements would be considered by the City Council at a Public Hearing at the May 8, 2008 Council meeting.

11F. Complete the Undergrounding Pilot Project

City Engineer Richard Chiu reported that a majority of the work to underground utilities had been completed on Viscaino and Purissima. The expectation was for the utility poles to be removed after the last utility is undergrounded, in approximately six to eight months.

NEW BUSINESS

City Attorney Steve Mattas advised Council that staff was requesting their consideration of adding an item to the "New Business" agenda as an urgency item. The information had been received by staff after the agenda had been prepared and posted pursuant to the Brown Act. The item required attention before the next regularly scheduled Council meeting on May 8, 2008. The general nature of the item related to the property tax administration fee being charged to the Town by the County. To protect the Town's right to seek recovery of what the Town considered an overcharge required the filing of a claim. The scope of the item under consideration would be the authorization for staff to file a claim within the designated deadline.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to add an item to the agenda for Council consideration for the authorization for staff to file a claim relative to the County's administrative charges for property tax administration.

12. Consideration of a Policy for Acceptance of Roads into the Town's System of Public Roadways

City Engineer Richard Chiu addressed Council. Council had before them in their packet a proposed policy regarding the acceptance of roads into the Town's system of Public Roadways.

Chiu reviewed the pertinent section of the Town's General Plan Circulation Element that identified the Town's goal to maintain quiet residential roads and to assume responsibility for private roads only when they have met the Town standards and where all necessary dedications had been offered by adjacent property owners.

The intent of the proposed policy before Council was to formalize the current unwritten policy for the process of accepting an existing road into the Town's Road System.

Council discussion ensued. Council concurred that the proposed policy was appropriate and followed the direction of the General Plan. The policy stated:

1. Roads shall meet current Town and Fire Department Standards prior to being eligible for acceptance into the Town's Road System.
2. A plan shall be prepared by a registered civil engineer showing the existing conditions of the road, Right-Of-Way, and all necessary proposed improvements to meet current Town and Fire Department Standards.
3. Roads that have future pathways indicated on the Town's Pathway Master Plan shall have the pathway constructed as part of the improvements necessary to bring the road up to current Town Standards.
4. Bridges on the road shall also comply with the current Town and Fire Department standards.
5. The cost for all necessary improvements and fees to bring the road up to current standards shall be paid by the residents who own the road in a manner that is determined by the residents involved.
6. Improvement work shall be inspected by the Town and approved by the City Engineer.
7. Roads will be added to the Town's Road System following acceptance by the City Council and recordation of necessary documents with the County Records Office.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to adopt the policy for the "Acceptance of Roads into the Town's System of Public Roadways" as provided in the Council packet.

13. Consideration of Request from Friends of Westwind for Town Sponsorship of the 2008 Hoedown Auction Fundraiser for Westwind Community Barn

Councilmember Warshawsky recused himself from participating in discussion of the item.

Councilmember Kerr introduced the item to Council. Council had before them a letter from Ulli Sharma, President, Friends of Westwind, requesting Council consideration of the Town officially sponsoring the auction portion of the 2008 Hoedown fundraiser. Kerr noted that the sponsorship would facilitate the auction process and permit donations to be tax deductible. The Town sponsored the auction at the 2007 event.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously by those Councilmembers voting to approve the request. (4-0-1 Warshawsky recused himself)

***Urgency Item:**

Finance Director Nick Pegueros explained that the item before Council was a request from staff for authorization to file a claim relative to increased property tax administration fees that the County has begun to impose on the Town. Pegueros noted that over the past three years, the fee has increased from \$19,000 to \$33,000 last year. It was not what the fee would be for 2008.

Pegueros reviewed the increased fee that was based on the State's request for the County to administer the pass through revenue that had previously been made as direct payments to the cities. The Santa Clara County Finance Officers Association had taken the position that the administration fee should not be applicable to the new "pass through revenue", on the basis that the administration would not cost the County anything given that they were not responsible for the calculation or collection of the fees.

Pegueros clarified that staff became aware of the new fee on Monday, April 7th and the filing deadline was April 20, 2008. Palo Alto and Morgan Hill have taken emergency action to authorize the filing of the claim. San Jose was currently reviewing the fee.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to authorize the City Manager to file a claim for the recovery of the administrative fee in excess of what the Town believed was a reasonable assessment.

PLANNING COMMISSION REPORT

No report given.

REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

No reports given.

COUNCIL INITIATED ITEMS

14. Consideration of Request for Sponsorship of the 3rd Annual Summer Concert Series at Hidden Villa – Councilmember Kerr

Councilmember Kerr introduced the item. He spoke to the success of last year's concert series that had been sponsored by the Town and attended by many Los Altos Hills residents. Kerr added that the program was a wonderful community event and provided a financial benefit to Hidden Villa with proceeds from the concerts going directly to camps, education programs and programs that supported Hidden Villa. Additionally, the concert series provided Hidden Villa an opportunity for community outreach.

Marc Sidel, Hidden Villa Community Programs Manager, thanked Council for their previous sponsorship of the concert series and acknowledged that the funding request for this year was for the same amount.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously for the Town to be a "Presenting Sponsor" (\$10,000) of the 2008 Hidden Villa Summer Concert Series and to authorize up to \$500 for the Sheriff's assistance on an as needed basis for traffic control.

15. Consideration of Informational Mailing to Los Altos Hills PAUSD Parents Regarding Inter-District Transfers – Vice Mayor Mordo

Agenda Item #15 was discussed in conjunction with Agenda Item 11B.

STAFF REPORTS

City Manager – No report

City Attorney – No report

City Clerk – No report

ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 8:45 p.m.

Respectfully submitted,

Karen Jost

City Clerk

The minutes of the April 10, 2008 Regular City Council meeting were approved as presented at the May 8, 2008 Regular City Council meeting.